

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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JOSHUA HARMS,

Plaintiff,

vs.

CITY OF SIBLEY, IOWA, GLENN  
ANDERSON, Sibley City Administrator, in his  
individual and official capacity, and SUSAN  
SEMBACH, Sibley City Clerk, in her  
individual and official capacity,

Defendants.

Case No.: 5:18-cv-4023

**STIPULATED INJUNCTION**

COMES NOW the Court pursuant to FRCP 65(d) and enters the following stipulated injunction:

**I. Findings of Fact**

While the Defendants do not admit to every allegation in the Plaintiff's complaint, the Parties jointly stipulate to the following facts.

1. Harms maintained a website, shouldyoumovetosibleyia.com. The website is critical of odors created by an industrial plant that produces additives for animal feed and the City of Sibley's efforts to address the odors, which Harms' website criticized as inadequate.
2. The odor caused by the plant has been a matter of public controversy in the City of Sibley.
3. Inter alia, on or about December 12, 2017, Harms received a letter from the City which stated the following: "So I am writing to ask that you take down your site and not replace it with other derogatory material. If the web site is not taken down within ten days of the date of this letter, your next notice will be in the form of a lawsuit."

4. In his verified complaint, Harms alleged First Amendment retaliation, prior restraint on free speech, viewpoint based discrimination, and conspiracy to violate constitutional rights.

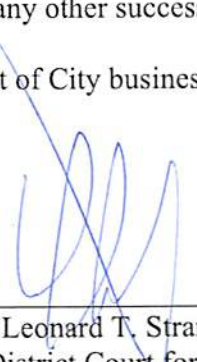
5. In order to resolve this matter, the parties jointly motion for the entry of the following Stipulated Injunction:

## **II. Injunction**

Pursuant to the Joint Motion to enter a stipulated injunction, the Court hereby enters the following injunction:

1. An injunction permanently enjoining the City of Sibley and the named Defendants in their official capacities from directing Harms not to speak with reporters, threatening to bring a lawsuit, or actually bringing a lawsuit against the Plaintiff Harms for speaking with reporters or publishing [www.shouldyoumovetosibleyia.com](http://www.shouldyoumovetosibleyia.com) in its previous form or in any future form, including [www.sibleystinks.com](http://www.sibleystinks.com) or any other successor websites that criticize the City of Sibley or the Defendants in the conduct of City business.

March 29, 2018



Judge Leonard T. Strand  
U.S. District Court for the Northern District  
Of Iowa